

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-19 were pending in this application. Claims 20-72 had been previously canceled. New claims 73-75 have been added. Accordingly, claims 1-19 and 73-75 will be pending upon entry of this Amendment. For at least the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

In the Office Action, claims 1-3, 5, 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Noreen et al., in view of Palmer et al. (U.S. Patent No. 5,905,865). Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen et al., in view of Palmer et al., and further in view of Crosby et al. (U.S. Patent No. 6,628,928). Claims 6-10 were rejected under 35 U.S.C. §103(a) as being unpatentable over Noreen et al., in view of Hyodo (U.S. Patent No. 5,937,390). Claims 11-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Noreen et al., in view of Steele et al. (U.S. 2002/0046084 A1) in further view of Crosby et al. and in further view of Palmer et al. (U.S. Patent No. 5,905,865). To the extent these grounds of rejection might still be applied to claims presently pending in this application, they are respectfully traversed.

The present application concerns interactive radio broadcasting in general with specifically embodied, but not limiting, examples in the satellite radio broadcast realm. The present invention also concerns utilizing interactive radio broadcasting to allow an entity to receive real-time feedback by using broadcast identifiers linked to broadcast advertising to allow

for an assessment of the success of advertising and subsequently using that feedback to generate fees to the sponsors of the broadcast advertising.

Regarding the rejection of independent claims 1 and 18 and their respective dependent claims 2, 3, 5, and 19, Applicants assert that the suggested combination of Palmer and Noreen does not result in the claimed method of claims 1 and 18. Contrary to the Examiner's assertion, Palmer does not fulfill the deficiencies of Noreen noted in the Office Action. While Palmer does generally discuss utilizing web content in connection with broadcasting and even charging advertising fees based upon hits on a website, Palmer does not teach the necessary link to the broadcast advertisement and the identifier as required in claim 1. Accordingly, even if Palmer were combined with Noreen it would still not result in the claimed invention because the web-based interaction is not linked to the advertisement via the identifier to account for the claimed indications, therefore claim 1 and its dependent claims are allowable over the cited art of record.

This point is further elucidated by newly added claims 73-75, which clearly state that the identifier is transmitted to a broadcast receiver along with the advertisement. As denoted in claims 74 and 75, the identifier is then transmitted either directly from the broadcast receiver or in some fashion over the Internet. Neither Noreen, Palmer, nor a combination thereof teaches such a method linking the identifier with the broadcast advertisement and then charging based upon electronic indications that specifically reference the broadcast identifier.

Claim 18 contains similar recitations regarding broadcasting and identifiers and for similar reasons as applied above to claim 1, the combination of Palmer and Noreen does not

result in the invention recited in claim 18. Accordingly, claim 18 and its dependent claim 19 are each allowable over the cited art of record.

Regarding the rejection of claim 4 as unpatentable in view of Noreen and Palmer, further in view of Crosby, Crosby does not overcome any of the deficiencies described above with respect to claim 1. Accordingly claim 4 is allowable for at least the same reasons as claim 1.

Regarding the rejection of claims 6-10 as being unpatentable over Noreen in view of Hyodo, Applicants respectfully disagree at least with the Examiner's characterization of the teaching of Hyodo. The Examiner asserts that Hyodo teaches comparing the first quantity with the second quantity and bases this assertion on the disclosure in col. 6 line 65 – col. 7, line 4. Similar to the argument with respect to claims 1 and 18, Hyodo does not supply the deficiencies of Noreen as related to claim 6. Firstly, Hyodo does not even teach comparison of a first and second set of indications as recited in claim 6. Hyodo merely makes an assessment of whether a response to an advertisement occurs within a certain time frame after the advertisement. There is no comparison between quantities of indications. Even if Hyodo did teach what the Examiner asserts it teaches, it still would not result in the invention claimed in claim 6. Claim 6, as with claim 1, requires that the indications relate to the broadcast identifier. Hyodo includes no identifier specific to the advertisement that is related to the electronic indications. Because Hyodo does not teach what the Examiner states it teaches and also because the combination of Hyodo with Noreen still would not result in the invention of claim 6, claim 6 and its associated dependent claims are allowable over the cited art of record.

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Regarding the rejection of claims 11-17 as being unpatentable over the combination of Noreen, Steele, Palmer and Crosby, Applicants assert that claim 11 contains similar limitations as claim 1 with respect to broadcasting of advertisements and charging of fees. Based upon similar argument as provided above with respect to claim 1, claim 11 is allowable over the cited combination as none of Noreen, Crosby or Steele overcomes the above-described deficiencies associated with Palmer. Applicants also point out that the Examiner has not provided sufficient motivation as to why these four references would have been combined by one of skill in the art and is essentially relying on improper hindsight reasoning to piece together teachings from four references based upon the Applicants' disclosure.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.


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Respectfully submitted,

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